

DTOS Rec'd PCT/PTO 16 MAR 2005

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| U. S. PATENT AND TRADEMARK OFFICE<br>U.S. DEPARTMENT OF COMMERCE<br><br><b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>   |  | ATTORNEY'S DOCKET NUMBER<br><br>21197YP                                 |
|   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><br><b>10/528008</b> |
| INTERNATIONAL APPLICATION NO.<br>PCT/US03/28855   | INTERNATIONAL FILING DATE<br>15 September 2003 | PRIORITY DATE CLAIMED<br>19 September 2002                              |
| TITLE OF INVENTION<br>ESTROGEN RECEPTOR MODULATORS  |  |   |
| APPLICANT(S) FOR DO/EO/US<br>Dann LeRoy Parker, Robert R. Wilkening, Dongfang Meng, and Ronald W. Ratcliffe   |  |   |
| <b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b><br><br>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.<br>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.<br>3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.<br>4. <input checked="" type="checkbox"/> The US has been elected (PCT Article 31).<br>5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]<br>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> has been communicated by the International Bureau.<br>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).<br>6. <input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].<br>a. <input type="checkbox"/> is attached hereto<br>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).<br>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<br>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> have been communicated by the International Bureau.<br>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br>d. <input type="checkbox"/> have not been made and will not be made.<br>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].<br>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].<br>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].<br><b>Items 11 to 20 below concern other document(s) or information included:</b><br>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.<br>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.<br>13. <input type="checkbox"/> A preliminary amendment.<br>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.<br>15. <input type="checkbox"/> A substitute specification.<br>16. <input type="checkbox"/> A power of attorney and/or change of address letter.<br>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.<br>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).<br>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).<br>20. <input type="checkbox"/> Other items or information:<br><div style="text-align: center;"><b>EXPRESS MAIL CERTIFICATE</b><br/>DATE OF DEPOSIT <u>March 16, 2005</u><br/>EXPRESS MAIL NO. <u>EL989590875US</u><br/>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS<br/>BEING DEPOSITED WITH THE UNITED STATES POSTAL<br/>SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"<br/>ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO<br/>COMMISSIONER FOR PATENTS, P.O. BOX 1450,<br/>ALEXANDRIA, VIRGINIA 22313-1450.<br/>MAILED BY <u>Alexander J. Miller</u><br/>DATE <u>March 16, 2005</u></div> |  |   |

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| U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><div style="font-size: 24pt; font-weight: bold; margin-top: 10px;">10/528009</div>  |              | INTERNATIONAL APPLICATION NO.<br>PCT/US03/28855                               |  | ATTORNEY'S DOCKET NUMBER<br>21197YP |              |
| The following fees are submitted:  |              |   |  | CALCULATIONS                        | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Basic national fee.....\$300   |              |   |  | \$300.00                            |              |
| 22. <input checked="" type="checkbox"/> Examination fee<br>If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....\$100<br>All other situations.....\$200  |              |   |  | \$100.00                            |              |
| 23. <input checked="" type="checkbox"/> Search fee<br>Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....\$100<br>International Search Report prepared and provided to the Office.....\$400<br>All other situations.....\$500   |              |   |  | \$500.00                            |              |
| <b>TOTAL OF 21, 22 and 23=</b>   |              |   |  | <b>\$900.00</b>                     |              |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.   |              |   |  |                                     |              |
| Total Sheets   | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE   |                                     |              |
| - 100 =  | 0 /50        | 0 = 0   | X \$250.00   | \$0.00                              |              |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].   |              |   |  |                                     |              |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA  | RATE   |                                     |              |
| Total Claims   | 20 - 20 =    | 0   | X \$50.00  | \$0.00                              |              |
| Independent Claims   | 1 - 3 =      | 0   | X \$200.00   | \$0.00                              |              |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |   | + \$360.00   |                                     |              |
| <b>TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)</b>  |              |   |  | <b>= \$900.00</b>                   |              |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).  |              |   |  | +                                   |              |
| <b>TOTAL NATIONAL FEE</b>  |              |   |  | <b>= \$900.00</b>                   |              |
| Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.  |              |   |  | +                                   |              |
| <b>TOTAL FEES ENCLOSED</b>   |              |   |  | <b>= \$900.00</b>                   |              |
|  |              |   |  | Amount to be refunded:              |              |
|  |              |   |  | Amount to be charged:               |              |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.<br>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$900.00</u> to cover the above fees.<br>A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed. |              |   |  |                                     |              |
| <b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.</b>   |              |   |  |                                     |              |
| SEND ALL CORRESPONDENCE TO:<br><div style="border: 1px solid black; padding: 2px; display: inline-block;">Customer No. 000210</div>  |              |   |  |                                     |              |
| MERCK & CO., INC.<br>Patent Department, RY60-30<br>P.O. Box 2000<br>126 East Lincoln Avenue<br>Rahway, New Jersey 07065-0970   |              |   | <div style="font-size: 24pt; font-family: cursive; margin-bottom: 5px;">Nicole M. Beeler</div> SIGNATURE |                                     |              |
| DATE: <u>March 16, 2005</u><br>PHONE #: <u>(732) 594-1077</u>  |              |   | Nicole M. Beeler<br>NAME<br><u>45,194</u><br>REGISTRATION NUMBER   |                                     |              |